

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MICHELLE SWETLAND,

Plaintiff(s),

v.

PHILLIPS & COHEN AND
ASSOCIATES,

Defendant(s).

CIVIL ACTION NO.: 2:12-CV-02474-GP

DECLARATION OF ROBERT H. OBRINGER

I, Robert H. Obringer, declare and state as follows:

1. I am the Senior Vice President of Compliance and General Counsel of Phillips & Cohen Associates, Ltd. ("PCA"). I am competent and authorized to testify to the matters set forth herein and have personal knowledge of the facts stated herein.

2. PCA is a Financial Recovery Company. Part of its business entails the collection or attempted collection of debts owed to others.

3. In my capacity as PCA's Senior Compliance Officer and General Counsel, I am charged with overseeing and managing PCA's adherence to all guiding and applicable laws and regulations; establishing, implementing, and enforcing company policies and procedures; and managing all legal matters, including litigation arising out of and concerning PCA's collection activities. As such, I have personal knowledge of PCA's operating procedures as they relate to its collection activities. I also have personal knowledge of plaintiff's claims in this action. As such, I am one of PCA's custodians of record.

4. If called as a witness, I would testify to the following facts, which are based on personal knowledge. I have personal knowledge under which the records referenced herein were created and I am familiar with PCA's record keeping process.

5. PCA's records are kept in the ordinary course of business, all of which are made at or near the time by or from information transmitted by someone with knowledge, which are kept in the course of PCA's regularly conducted business activity, as part of its regular business practices.

6. As part of its regular business practice, PCA maintains a contemporaneous record of its activities relating to accounts it is asked to recover.

7. I have reviewed PCA's records associated with the account of Louis Swetland. The records show that on or about February 22, 2012, PCA was engaged to seek recovery on a debt owed by Mr. Louis Swetland, to Citibank, N.A., on a credit card account ending in '5206. Mr. Swetland had recently deceased on January 28, 2012. PCA began its efforts to seek recovery by attempting to determine whether Mr. Swetland had an estate with assets sufficient to satisfy the debt. In connection with its efforts, PCA conducted a search using Lexis Nexis, which on February 27, 2012, identified the telephone number 215-266-2009, as associated with Mr. Swetland.

8. The PCA records further show a PCA employee identified as JAdamsH manually called 2152662009 on 12 occasions as listed below, and at no time during any of the 12 occasions noted, did the PCA employee speak with the Plaintiff or leave a message on her phone. Instead, all 12 manually dialed calls made were unanswered:

Call #	Date	Time	Action	Result	User	# called
1	2/27/12	9:17:59	OB Mobile	No Answer	JAdamsH	2009
2	2/28/12	3:52:52	OB Mobile	No answer	JAdamsH	2009
3	2/29/12	1:07:59	OB Mobile	No Answer	JAdamsH	2009
4	3/2/12	12:40:45	OB Mobile	No Answer	JAdamsH	2009
5	3/7/12	8:56:16	OB Mobile	No Answer	JAdamsH	2009
6	3/8/12	12:56:37	OB Mobile	No Answer	JAdamsH	2009
7	3/14/12	8:46:20	OB Mobile	No Answer	JAdamsH	2009
8	3/19/12	3:35:39	OB Mobile	No Answer	JAdamsH	2009
9	3/22/12	4:47:33	OB Mobile	No Answer	JAdamsH	2009
10	3/26/12	9:55:52	OB Mobile	No Answer	JAdamsH	2009
11	3/30/12	9:54:06	OB Mobile	No Answer	JAdamsH	2009
12	4/3/12	10:58:50	OB Mobile	No Answer	JAdamsH	2009

8. Attached hereto as Exhibit A is a true, authentic and accurate copy of PCA's activities relating to the account of Louis Swetland, as redacted to protect the personally identifying information contained in such records.

I declare and state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 7th day of August, 2012.

/s/

Robert H. Obringer

EXHIBIT A



... *Recovering*
THE POSSIBILITIES

Account Notes

DATE / TIME	ACTION	RESULT	USER	NOTES
Customer Last Name: SWETLAND		Client Account Number: [REDACTED] 5206		PCA Account Number: [REDACTED] 1690
4/18/2012 9:59:35 AM	ACTTAG	ACTTAG	adeberry	Assigned Consumer Account Tag: Closed
4/18/2012 9:53:21 AM	RCDMSG	RCDMSG	lphair	[REDACTED]
4/18/2012 9:35:38 AM	RCDMSG	RCDMSG	adeberry	[REDACTED]
4/18/2012 9:22:35 AM	AUTOARMESSA GE	AUTOARMESSA GE	adeberry	[REDACTED]
4/18/2012 9:22:35 AM	Compliance Complaint Received	Compliance Complaint Acknowledged	adeberry	*****RECEIVED LAWSUIT *****
4/18/2012 9:22:35 AM	ACTTAG	ACTTAG	adeberry	[REDACTED]
4/18/2012 9:22:35 AM	ACTTAG	ACTTAG	adeberry	[REDACTED]
4/18/2012 9:22:35 AM	CNSWRKG	CNSWRKG	adeberry	[REDACTED]
4/18/2012 9:22:35 AM	REQ REVIEW	REQ REVIEW	adeberry	[REDACTED]
4/18/2012 9:22:09 AM	DELETEPHONE	DELETEPHONE	adeberry	Deleted Consumer phone. Details: {Type= {CELL}, Number= [REDACTED] 598, Ext.=, Country= {US}, Phone Status= {UNKNOWN}, Phone Source= {UNKNOWN} }
4/18/2012 9:21:58 AM	RCDMSG	RCDMSG	adeberry	User accepted the compliance message: [REDACTED]

DATE / TIME	ACTION	RESULT	USER	NOTES
4/18/2012 8:55:08 AM	RCDMSG	RCDMSG	dnixon	User accepted the compliance message: [REDACTED]
4/18/2012 8:37:50 AM	RCDMSG	RCDMSG	adeberry	User accepted the compliance message: [REDACTED]
4/6/2012 10:36:05 AM	RVWREQDEL	RVWREQDEL	JAdamsH	Agent TSpencer deleted review request from Agent JAdamsH for the Consumer with a review date of Apr 5, 2012 12:00:00 AM
4/6/2012 10:35:40 AM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]
4/6/2012 8:43:41 AM	SentNotice	Validation Letter	SASuser	Validation Letter: 112 Sent
4/5/2012 5:49:56 PM	REQ REVIEW	REQ REVIEW	TSpencer	Agent TSpencer sent the review request to Agent JAdamsH to review Consumer on the review date of Apr 5, 2012 12:00:00 AM. Comments: NEO
4/5/2012 5:49:43 PM	ICR	ACR	TSpencer	No message entered.
4/5/2012 5:49:40 PM	Reviewed	NO PLAN TO OPEN ESTATE	TSpencer	No message entered.
4/5/2012 5:49:40 PM	ACTTAG	ACTTAG	TSpencer	Assigned Consumer Account Tag: NPOE
4/5/2012 5:49:37 PM	ACTTAG	ACTTAG	TSpencer	Assigned Consumer Account Tag: FMNS
4/5/2012 5:49:37 PM	Reviewed	FAMILY MEMBER NO SPOUSE	TSpencer	No message entered.
4/5/2012 5:49:33 PM	Reviewed	No Estate -- No Offer	TSpencer	No message entered.
4/5/2012 5:49:33 PM	AUTOARMESSA GE	AUTOARMESSA GE	TSpencer	No Estate - No Offer
4/5/2012 5:49:33 PM	ACTTAG	ACTTAG	TSpencer	Assigned Consumer Account Tag: NEO
4/5/2012 5:49:30 PM	ACTTAG	ACTTAG	TSpencer	Assigned Consumer Account Tag: AI
4/5/2012 5:49:30 PM	IB Consmr	AI	TSpencer	ICC FROM DGHTR UPSET FOR CALLS TO 2009 ADVSD CNDLCNS///ADVSD REC LINE//DUAL CNSNT//MM//PITCHED BIF///STATED DOESNT WANT ANYTHING TO DO WITH HIS ACCOUNTS AND NOT TO CALL HER ADVSD WOULD NOTE NO ESTATE AND NOONES PAYING HIS DEBTS THNKD EOC
4/5/2012 5:49:30 PM	AUTOARMESSA GE	AUTOARMESSA GE	TSpencer	Authorized Individual

DATE / TIME	ACTION	RESULT	USER	NOTES
4/5/2012 5:45:13 PM	DELETEPHONE	DELETEPHONE	TSpencer	Deleted Consumer phone. Details: {Type= {CELL} , Number= [REDACTED] 2009, Ext.=, Country= {US} , Phone Status=, Phone Source=}
4/5/2012 5:44:26 PM	IC Client	Recived More Information	SScala	TRANFR
4/5/2012 5:44:09 PM	RCDMSG	RCDMSG	TSpencer	User accepted the compliance message: [REDACTED]
4/5/2012 5:43:19 PM	RCDMSG	RCDMSG	SScala	User accepted the compliance message: [REDACTED]
4/3/2012 10:58:50 AM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
4/3/2012 10:58:50 AM	OB Mobile	No Answer	JAdamsH	2009
4/3/2012 10:58:13 AM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
4/3/2012 10:58:13 AM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]
3/30/2012 9:54:06 AM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/30/2012 9:54:06 AM	OB Mobile	No Answer	JAdamsH	2009
3/30/2012 9:53:24 AM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
3/30/2012 9:53:24 AM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]
3/26/2012 9:55:52 AM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/26/2012 9:55:52 AM	OB Mobile	No Answer	JAdamsH	2009
3/26/2012 9:55:22 AM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
3/26/2012 9:55:22 AM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]

DATE / TIME	ACTION	RESULT	USER	NOTES
3/22/2012 4:49:29 PM	OB Other	No Answer	JAdamsH	7944
3/22/2012 4:48:46 PM	OB Other	No Answer	JAdamsH	4236
3/22/2012 4:48:04 PM	OB Mobile	No Answer	JAdamsH	2598
3/22/2012 4:48:04 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/22/2012 4:47:33 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/22/2012 4:47:33 PM	OB Mobile	No Answer	JAdamsH	2009
3/22/2012 4:47:06 PM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
3/22/2012 4:47:06 PM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]
3/19/2012 3:35:39 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/19/2012 3:35:39 PM	OB Mobile	No Answer	JAdamsH	2009
3/19/2012 3:34:47 PM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
3/19/2012 3:34:47 PM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]
3/14/2012 8:46:20 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/14/2012 8:46:20 PM	OB Mobile	No Answer	JAdamsH	2009
3/14/2012 8:45:30 PM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
3/14/2012 8:45:30 PM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]
3/8/2012 1:00:28 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/8/2012 1:00:28 PM	OB Other	No Answer	JAdamsH	0160
3/8/2012 12:59:03 PM	OB Other	No Answer	JAdamsH	7944
3/8/2012 12:58:04 PM	OB Other	AnsMach LM	JAdamsH	GEN MSG,, 4236

DATE / TIME	ACTION	RESULT	USER	NOTES
3/8/2012 12:57:00 PM	OB Mobile	No Answer	JAdamsH	2598
3/8/2012 12:56:37 PM	OB Mobile	No Answer	JAdamsH	2009
3/8/2012 12:56:37 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/8/2012 12:56:05 PM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
3/8/2012 12:56:05 PM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED] [REDACTED] [REDACTED]
3/7/2012 8:56:16 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/7/2012 8:56:16 PM	OB Mobile	No Answer	JAdamsH	2009
3/7/2012 8:55:59 PM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
3/7/2012 8:55:59 PM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED] [REDACTED] [REDACTED]
3/2/2012 12:40:45 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
3/2/2012 12:40:45 PM	OB Mobile	No Answer	JAdamsH	2009
3/2/2012 12:39:02 PM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
3/2/2012 12:39:02 PM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED] [REDACTED] [REDACTED]
2/29/2012 1:07:59 PM	OB Mobile	No Answer	JAdamsH	2009
2/29/2012 1:07:59 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
2/29/2012 1:07:24 PM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
2/29/2012 1:07:24 PM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED] [REDACTED] [REDACTED]
2/28/2012 3:52:52 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]

DATE / TIME	ACTION	RESULT	USER	NOTES
2/28/2012 3:52:52 PM	OB Mobile	No Answer	JAdamsH	2009
2/28/2012 3:51:43 PM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain POT.
2/28/2012 3:51:43 PM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]
2/27/2012 9:17:59 AM	OB Mobile	No Answer	JAdamsH	2009
2/27/2012 9:17:48 AM	UPDPHO	UPDPHN	JAdamsH	Saved Consumer phone. Details: {Type= {CELL} , Number= [REDACTED] 2009, Ext.=, Country= {US} , Phone Status=, Phone Source=}
2/27/2012 9:17:21 AM	UPDPHO	UPDPHN	JAdamsH	Saved Consumer phone. Details: {Type= {HOME} , Number= [REDACTED] 2009, Ext.=, Country= {US} , Phone Status=, Phone Source=}
2/27/2012 9:16:45 AM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]
2/27/2012 9:16:16 AM	AUTOARMES GE	AUTOARMES GE	JAdamsH	Potential
2/27/2012 9:16:16 AM	Reviewed	Potential	JAdamsH	No message entered.
2/27/2012 9:16:16 AM	ACTTAG	ACTTAG	JAdamsH	Assigned Consumer Account Tag: POT
2/27/2012 9:16:12 AM	OB Other	No Answer	JAdamsH	7160
2/27/2012 9:15:56 AM	OB Other	No Answer	JAdamsH	7944
2/27/2012 9:15:40 AM	OB Other	No Answer	JAdamsH	4236
2/27/2012 9:15:40 AM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
2/27/2012 9:14:59 AM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain NEW.
2/27/2012 9:14:59 AM	RCDMSG	RCDMSG	JAdamsH	User accepted the compliance message: [REDACTED]
2/22/2012 2:00:53 PM	OB Other	No Answer	JAdamsH	0160
2/22/2012 2:00:42 PM	OB Other	No Answer	JAdamsH	7944
2/22/2012 1:59:16 PM	OB Home	No Answer	JAdamsH	4236
2/22/2012 1:59:08 PM	DELETEPHONE	DELETEPHONE	JAdamsH	Deleted Consumer phone. Details: {Type= {HOME} , Number= [REDACTED] 6386, Ext.=, Country= {US} , Phone Status= {UNKNOWN} , Phone Source= {UNKNOWN} }

DATE / TIME	ACTION	RESULT	USER	NOTES
2/22/2012 1:59:03 PM	OB Home	No Answer	JAdamsH	6386
2/22/2012 1:59:03 PM	UPDCBK	UPDCBK	JAdamsH	[REDACTED]
2/22/2012 1:58:19 PM	NXTCNS	NXTCNS	JAdamsH	Next Consumer for Workgroup DpA01W11, Workchain NEW.
2/22/2012 1:58:19 PM	RCDMSG	RCDMSG	JAdamsH	[REDACTED]
2/22/2012 10:50:50 AM	Client Note	REV	SASuser	LEXIS SKIP FILE PROCESSED (DOD and BANKRUPTCY)
2/22/2012 8:28:44 AM	SentNotice	LOCATE LETTER	SASuser	Locate Letter: 56012 Sent
2/22/2012 8:11:42 AM	UPDCBK	UPDCBK	csmith	Updated from a job. Next Contact time set to 2011-08-01 00:00:00.0
2/22/2012 8:11:42 AM	CNSSAV	CNSSAV	csmith	Saved Consumer. Details: {Last Name=SWETLAND, First Name=LOUIS, Middle Name=S, Birth date=[REDACTED] Driver License Number=, Email=, Workgroup short name=DpA01W11}
2/22/2012 8:11:42 AM	CNSWRKG	CNSWRKG	csmith	Added to Workgroup: Janea Adams-Hamilton - ext. 2117
2/22/2012 8:04:08 AM	CNSWRKG	CNSWRKG	csmith	Moved Workgroup: From Cit21hld to CitiNwP
2/22/2012 6:55:47 AM	DECINF	DECINF	SASuser	DOD Updated